S.B.CR. MISC. PETITION NO. 1767/2007

(Bhanwari Vs. State of Rajasthan)

Date of Order :: December 08, 2007

HON'BLE MR. H.R.PANWAR,J.

Mr.S.S.Shaktawat, for the petitioner.

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt. 12.9.2007 passed by the Additional Chief Judicial Magistrate No.2, Chittorgarh declining to register the complaint filed by the petitioner under section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short `the Act of 2005' hereinafter) on the ground that in the application, it has been stated that the report by a protection officer has been attached whereas no such report has been attached.

Learned counsel for the petitioner submits that the protection officer has not been appointed in the concerned district. He further submits that even in absence of the report of the protection officer, who has not been appointed so far, the complaint can be maintained.

I have carefully gone through the complaint filed by the petitioner. Though in clear terms, it has not been stated that the report of the protection officer has been annexed, however, it appears that the language in para 1 may be little confusive.

In the circumstances, therefore, the petition is allowed, order impugned is set aside and the petitioner is permitted to file a fresh application fulfilling the requirement of the Act of 2005 and it is made clear that the dismissal of the earlier application will not come in the way of fresh application, if filed by the petitioner.

[H.R.PANWAR],J.

m.asif/-